

NRA OPPOSES PRIVATE SALE RESTRICTIONS

Vote NO on HB 1229

What would HB 1229 do?

- This bill would require all private transfers of a firearm to occur through a licensed firearms dealer, who would have to run a background check and maintain the same paperwork as for a normal dealer transfer; with the cost of this transfer being assumed by the purchaser. Limited exceptions would apply to antiques, curios and relics; transfers between immediate family members and transfers of inheritance.
- HB 1229 seems innocuous on the surface but this type of legislation will unnecessarily make criminals out of cousins, step-siblings and in the case of Colorado, gay married couples who may wish to sell a gun to each other. This bill will place an unjust burden on law abiding citizens who live miles from the nearest licensed dealer and only wish to sell the cattle rancher on the farm over his old used handgun. HB 1229 will do nothing to curb criminal activities because criminals do not obey the law and will not submit to a background check.

Requiring background checks for PRIVATE TRANSFERS is NOT a REAL SOLUTION – it is, AGAIN, a FAILED policy.

- HB 1229 is similar to the background check laws currently in place for private transfers in the state of California that has failed to show, conclusively, any benefit to infringing upon the rights of law abiding citizens.
- A comparison of Colorado, California and the national average as it relates to violent crime and murder rates from 1960-2011 illustrates one main and overriding trend. Crime and murder in the last two decades have continued to decline at a similar rate in California, Colorado and nationally on average, with California consistently maintaining a higher average than both Colorado and nationally.
- We must also take into consideration when comparing the violent crime and murder rates that 48 of the 50 states do not have a private sales restriction in place on the transfer of private firearms, Colorado included, yet the crime rates both nationally and in Colorado continued to decline at a similar or even higher rate than California.

Most criminals DO NOT acquire their firearms through LEGAL PURCHASES

- In 1991 the BATF reported that 37% of armed career criminals obtained firearms from street sales, 34% from criminal acts and associates, 8% from relatives, and only 7% from dealers and 6% from flea markets and gun shows.

- More recently in 2001, a Bureau of Justice Statistics survey of state prison inmates convicted of firearms crimes found that 79% acquired their firearms from “street/illegal sources” or “friends or family.” This includes theft of firearms, black market purchases of stolen firearms and straw purchases. The survey also found that 12% obtained their firearms from firearm dealers (gun stores, pawn shops), while only 1.7% obtained firearms from anyone (dealer or non-dealer) at a gun show or flea market.
- Criminals will not submit to background checks, creating only a system where we would belabor the ability of law abiding citizens to sell off their old hunting shotgun or rifle to their neighbor after they’ve legally purchased a new one for the upcoming season.

Why the FACTS from gun control advocates DO NOT add up

- Mayor Michael Bloomberg and his group Mayor’s Against Illegal Guns (MAIG), along with other gun control advocates and even President Obama claim “as many as 40% of guns are purchased without a background check.” This misleading and factually inaccurate statement came from a Police Foundation Survey taken in 1994.
- The survey frequently misquoted by gun control advocates, taken of only 251 gun owners, found that only 4% of gun owners acquired their guns from gun shows and flea markets, from dealers and private sellers combined.
- More than three-quarters of this survey’s respondents covered sales before the Brady Act instituted mandatory federal background checks on February 28, 1994. This means that three-quarters of the respondents could have actually made a purchase from a licensed dealer without any knowledge of this being a licensed transaction.

Legal transfers for LAW ABIDING CITIZENS will only become MORE DIFFICULT

- The Colorado Bureau of Investigation’s (CBI) Insta-Check system has been so overburdened with background checks since late last year, the recent wait stands at nearly 7 days, 4 days longer than allowed by federal law, with thousands of law abiding citizens waiting to exercise their Second Amendment rights.
- CBI also stands as one of the state systems with the highest rate of denials, as well as one of the highest in the rate of appeals to those denials. This means that law abiding citizens are unnecessarily being denied their right to purchase a firearm and vindicated only at their request.
- By adding hundreds of thousands of unnecessary checks to be placed in the queue by this struggling system, we are setting up law abiding Coloradoans the opportunity to be unnecessarily victimized by those criminals who will not submit to a check regardless of the system in place.

The PRIVATE TRANSFER of firearms is a CONSTITUTIONAL RIGHT

- Constitutional rights, the Second no different than the First, do not come without restrictions. We cannot yell fire in a crowded audience and we cannot allow criminals to possess firearms. We also cannot place an undue burden upon exercising these rights, for then those actions become unconstitutional.